

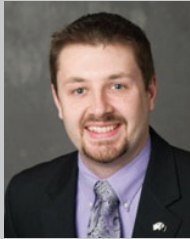
# STUDENT PARTICIPATION IN STATE POLICYMAKING

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## Abstract

Many meaningful laws are decided not in Washington DC, but at statehouses in capitals across the country. As with Congress, conventional wisdom maintains that the ability to influence state policymaking is reserved for those with significant resources and political power, while others may observe the process but not ultimately affect it. Younger people and people with lower incomes tend to be characterized as the latter due to lower than average political participation.

The efforts of college students in Indiana to change the state's laws with respect to alcohol-related misdemeanors, examined here, is an example of how students can participate in the legislative process and substantively influence policy outcomes. Factors contributing to students' ability to do so will be discussed along with unique legislative challenges and how they were overcome.

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# STUDENT PARTICIPATION IN STATE POLICYMAKING:

## A Case Study of the Indiana Lifeline Law

David Rosenthal and Brett Highley, Political Science and Professional Writing

### INTRODUCTION

Academic and popular discourse in recent years has produced extensive discussion of the causes and effects of youth political participation. However, this discourse has focused almost entirely on electoral participation (i.e., voting) while neglecting legislative participation. Every four years, commentators predict that young Americans will be an influential voting bloc. But what impact do young people have after elected officials are sworn in and the work of governing begins? To what extent can young people, and students in particular, play a role in the policymaking process?

We assert that students have a unique opportunity to influence state policy decisions in the legislative sphere. This assertion is supported by the case of the Indiana Lifeline Law, a law enacted by the Indiana General Assembly in March 2012 as a result of a lobbying campaign envisioned and executed entirely by students in the state. We will discuss a number of factors contributing to students' abilities to effectively influence lawmaking, including the framing of a public policy problem, coalition-building, and lobbying efforts.

### Background

Political scientist John Kingdon defines policy entrepreneurs as individuals who “invest their own resources—time, energy, reputation, and sometimes money into the hope of a future [policy] return” (Kingdon, 1995). Students in Indiana decided to take

on this role in early 2011 when they set out to secure a state law guaranteeing protections for minors who report alcohol-related medical emergencies. The law would be modeled on an administrative policy known as medical amnesty at many universities across the country, including both Indiana and Purdue Universities.

A 2006 study in the *International Journal of Drug Policy* analyzed the impacts of one such policy at Cornell University, drawing upon data gathered from health center records, emergency calls, and student self-reporting surveys. The study concluded that the policy had a positive impact on student health and safety by increasing the likelihood of students to seek medical attention without impacting the incidence of high-risk alcohol consumption (Lewis & Marchell, 2006).

Students envisioned a statewide medical amnesty policy as the next necessary step of removing barriers that discourage minors from requesting medical assistance when alcohol is present. This aspiration came from the realization that the reach of university policies was limited. Protection from university disciplinary sanctions did not address the possibility of criminal prosecution, which remained a significant fear for students and deterred them from seeking needed medical attention.

### Emergence of a Public Policy Problem

Issues capture the attention of policy entrepreneurs, policy advocates, and policymakers for a wide array of reasons. At any given time, there are far more

issues in existence than will be given consideration by policymakers. Kingdon (1995) notes that an issue often does not result in policy action until there is an indicator and a focusing event or crisis. An indicator is a fact or metric that provides a quantitative description of the issue. In the case of the Indiana Lifeline Law, students found that 26 Indiana youth under the age of 21 died as a result of alcohol poisoning between the years 2004 and 2008, an average of five young adults each year (Indiana State Department of Health, 2012). Indicators may go unnoticed without a focusing event to call attention to the issue. The prominent disappearance of 20-year-old Indiana University student Lauren Spierer after an evening of drinking sparked discussion throughout the state during the summer and fall of 2011.

However, even public recognition of a given social condition does not necessitate policy action. Frank Baumgartner and Bryan D. Jones assert that “arguments must be made and accepted that a given program can be solved by government action before a social condition becomes a public policy problem” (1993).

The rate of student deaths resulting from alcohol consumption was alarming and tragic, but this alone did not constitute Baumgartner and Jones’s conception of a public policy problem. A public policy problem emerged when student leaders identified failures to seek medical assistance by individuals present as a significant factor in alcohol-related deaths, and further established that these failures were largely due to fear of legal repercussions—a matter very much subject to government action. In this case, students fulfilled the policy entrepreneur function very effectively by taking an issue that had not previously been considered a public policy problem and transforming it into one. Deborah Stone elaborates on this concept, saying, “conditions come to be defined as problems through the strategic portrayal of causal stories” (Stone, 1989, p. 229). The strategies used to establish causal stories will be discussed further in the section of this paper that deals with lobbying.

## DEVELOPING THE BILL

### Coalition Formation and Growth

Leaders of Indiana and Purdue Universities’ student governments agreed upon a partnership to pursue a medical amnesty law at the state level, forming a coalition

known as the Indiana Lifeline Coalition (ILC). The student body presidents at both Indiana and Purdue had made advocacy for such a law a key platform initiative during their campaigns.

It soon became clear that a larger coalition would improve advocacy strength by increasing the number of constituencies connected to state legislators and emphasizing the need for policy change with a unified message. With these ends in mind, the ILC contacted student leaders at the University of Southern Indiana, Ball State University, and Butler University to ask for their support.

### Policy Development

The next step following the recognition of a public policy problem in the analytical framework of policymaking is “generating potential courses of action” (Irwin, 2003, p. 51). Students formally began this process in September 2011. Student leaders at each school met independently to determine their goals for the intended policy. These goals were influenced by the students’ personal experiences, internal conversations, and consultations with university administrators, campus safety personnel, and health professionals. Leaders from each school then came together to agree on the specifications of the desired public policy change.

While the consideration of a medical amnesty law was new to Indiana, it was not a new idea altogether. No fewer than seven states enacted statutes with the same broad goals between the years 2007 and 2011, including New York, California, Texas, and Colorado. The ILC used these state laws as models for their own proposal, drawing on various aspects of each. Many questions arose around the specifics of the policy change, including which criminal offense should be affected, how many individuals should be covered, and whether there should be any age restrictions or conditions attached to the policy.

Through extensive discussion of these questions, students agreed upon a set of ideal parameters defining the proposed Indiana Lifeline Law and drafted a written document outlining these parameters. This document served as a starting point from which the students could begin conversations with lawmakers and relevant stakeholders. The initial parameters of the policy proposal would change significantly as a result of these conversations.





**Figure 1.** Indiana State Senator Jim Merritt, seen here in the legislative offices, authored and introduced the Indiana Lifeline Law in the 2012 regular session of the 117th Indiana General Assembly.

### Policy Changes from Initial Conception

Students began by meeting with lawmakers and stakeholders that the students believed would be of strategic importance with the goal of gaining feedback. On the legislative front, this included leaders of the majority party in both the Indiana House of Representatives and the Senate, legislators representing districts including large universities, and legislators who chaired committees to which enrolled legislation would likely be assigned. Additional meetings with stakeholders featured county prosecutors, police chiefs, campus health and safety personnel, university presidents and administrators, and the Indiana Attorney General. Many of the subsequent alterations to the policy proposal resulted directly from concerns expressed in these meetings. These alterations included removing the legal protection for an offense of providing alcohol to a minor and limiting the number of persons eligible for amnesty to one caller and one patient.

An additional goal throughout the meetings with legislators was to secure an author or authors willing to convert the policy proposal to legislative text and introduce it to the legislature as a bill. Though students met with members of both parties and encountered little partisan bias, they were conscious that prospective authors from the Republican Party, who held a large majority in

both chambers, could more easily garner support, which could lead to a committee hearing for the bill.

In November, State Senator Jim Merritt of Indianapolis, the chair of the Senate Republican Caucus, agreed to introduce the Lifeline Law, also known as Senate Bill 274. Students were hopeful that Representative Judd McMillin of Brookville would concurrently introduce the bill in the Indiana House of Representatives. However, McMillin had reached the limit of five introduced bills allowed to each representative, and thus he was unable to do so. Students now focused their efforts on ensuring the bill's passage in the Senate before it could move to the House for consideration.

Several amendments were proposed for the bill during a hearing by the Senate Judiciary Committee. Some were minor changes, which can be described as perfecting amendments, that is making adjustments to the statutory language of the bill that do not impact the bill's substance. Other amendments revised the bill without changing its intent. For example, one amendment inserted a law enforcement liability protection clause, which stated, "a person may not initiate or maintain an action against a law enforcement officer based on the officer's compliance or failure to comply with this section." Students did not expect this to have any significant impact on the policy's results, but it was sought by lawmakers to reassure members of the law enforcement community.

The most significant amendment to the Lifeline Law limited amnesty protections to only the individual contacting authorities. This represented a significant reduction in the scope of the policy. This alteration may illustrate the "principle of simplicity" articulated by Ira Sharkansky. Sharkansky (2002) writes that while the simplest policy change may not always be the best, it is often the most achievable. The amendment in question quite literally simplified the proposed bill, reducing it from eight pages to three pages in length, but it also simplified the purview of the proposed policy, resulting in a more appealing bill to legislators with doubts. This type of policy adjustment has also been described as coping, settling, or compromise. Sharkansky (2002) writes in his conclusion that "democratic politics necessitates imperfect decisions," and thus simplification is often necessary in public policy pursuits. This adjustment also exemplifies the policymaking strategy described by political scientists as "incrementalism" or "gradualism,"

which seeks to make several marginal policy adjustments over an extended period of time rather than one major policy change (Bamgartner, Berry, Hojnacki, Leech, & Kimball, 2009). The intent of a policy change must also be balanced with the administrative limitations to successful implementation and enforcement.

### Lobbying Efforts

The ILC acted much like a traditional interest group. Lindblom and Woodhouse (1993) define interest group activities as “interactions through which individuals and private groups not holding government authority seek to influence public policy” and note that “interest groups are helpful and perhaps necessary for bringing diverse, factual information, and other ideas into the policy-making process” (p. 75). Students played a key role in the agenda-setting process, which Kingdon (1995) describes as “narrowing the set of conceivable subjects to the set that actually becomes the focus of attention” (p. 3), and then once the issue was on the agenda, they continued to advocate for their chosen course of action.

## STUDENTS IN THE STATEHOUSE

### Advocacy Tactics and Physical Presence

From the time Senate Bill 274 was introduced, students undertook a large-scale advocacy effort to contact as many state legislators as possible. Students focused first on the Senate, specifically targeting members of the Senate Judiciary Committee, and then on members of the House Courts and Criminal Code Committee. The primary method of contact was one-on-one meetings with legislators, which students found to be highly effective. Jeffrey Berry (1983) notes that “no tactic is considered more effective by lobbyists than personally presenting their case to a member of Congress in a private meeting. [It is] an opportunity to press the case home and make him or her truly understand the virtue of the group’s position” (p. 186). In addition to these meetings, students also implemented other tactics to influence legislators, including testifying at committee hearings in both chambers, hosting a luncheon near the Statehouse with more than 40 lawmakers, and maintaining constant constituent communication through e-mail and phone calls. Overall, students found that maintaining a physical presence at the Statehouse throughout the legislative session was of primary importance in carrying out an effective advocacy campaign.

### Advantages of a Student Coalition

Members of the ILC found that their status as a statewide network of students made for a highly effective advocacy organization with unique advantages. The students represented a broad geographic distribution throughout the state of Indiana, accounting for nearly all major population centers. This provided them access to a large number of legislators. In addition to geographic connections, many lawmakers in other regions of the state were alumni of the students’ universities or held other ties to the universities—such as being employed by them or having a son or daughter enrolled—which afforded greater access to the students. Students used these ties to build the coalition, connecting supportive legislators in varying areas to each other.

The students found lawmakers to be particularly receptive to them for a variety of reasons. First, students are often a welcome change of pace from the typical constituents and lobbyists with whom legislators are accustomed to interacting. Second, the ILC held a perceived innocence because they were acting upon a passion to make policy changes to help their peers as opposed to a paid lobbyist representing a corporation or association. Third, young adults are constituents that can be viewed as lifelong political customers. Legislators may have understood that working with students could translate into future political support or favorable press, which could lead to future election campaign votes. These benefits outweighed any



**Figure 2.** Indiana University Student Body President Justin Kingsolver addresses members of the media in Indianapolis on May 4, 2012 after a ceremonial signing of the Indiana Lifeline Law. Courtesy of Lesley Weidenbener.

limitations arising from the students’ relative lack of experience and knowledge of the legislative process. This is confirmed by Senator Merritt, who stated:

The student leaders were so impressive in describing the legislation they envisioned that it was easy to give it serious consideration. The situation that challenged the student leaders was both an advantage and a disadvantage. It was an advantage because college students rarely work on legislation and the bar was low. The disadvantage was that their creditability was suspect. Obviously, the student leaders were outstanding in delivery and played the central role in passage of the bill (Personal communication, May 6, 2013).

State Representative Randy Truitt echoed this sentiment, saying of the students: “As the case they were making became clear, the credibility of their outreach increased and was evidenced by unanimous support in both the House and the Senate” (Personal communication, May 6, 2013).

Members of the ILC coordinated all meetings with legislators and agreed upon a common message to present. Students benefited from the “Principle of Cohesion,” which Kingdon (1995) describes as the “ability to convince governmental officials that it [an interest group] speaks with one voice and truly represents the preferences of its members” (p. 52). Thus, the coalition was able to effectively convey the support not just of a small group of student leaders at select universities, but of all college and university students in the state of Indiana, which number 480,000 according to the Indiana Commission for Higher Education. Students were able to amplify the impact of their argument even further by showing that the proposed policy change was supported by the parents and family members of these 480,000 students, at least half of which are native Indiana residents. Students mobilized these supporters through a website encouraging Indiana residents to contact their state representatives.

The size of the ILC presented difficulties. The coalition operated on consensus, and therefore the inclusion of additional members required additional communication and deliberation for possible changes in policy or strategy. Geographic constraints often limited direct communication between coalition members to weekly telephone conference calls. In several instances, opposing

viewpoints on policy points created tension. In one particular case, the integrity of the coalition was in serious jeopardy when representatives from Indiana and Purdue Universities struggled to find common ground on a key provision of the proposed policy; however, students were able to resolve their differences and come together to form a highly effective advocacy coalition.

Countering Opposition through Issue Framing and Endorsements

Neutralizing opposition is often a necessary element of policy advocacy. An opposing political force may have the ability to cast doubt on proposed legislation or derail



Figure 3. The Indiana Lifeline Law passed the Indiana State Senate by a unanimous vote of 50-0 on January 24, 2012.



Figure 4. Indiana Governor Mitch Daniels signed the Indiana Lifeline Bill into law on March 16, 2012.



it altogether. In the case of Senate Bill 274, the primary opposition came from the Indiana Prosecuting Attorneys Council (IPAC) and a few individual county prosecutors who acted as opposition activists. In past years, IPAC has played a key role in opposing reforms to the criminal justice system, successfully blocking several prominent reforms backed by the governor. Students attempted to engage with opponents until it became apparent that no amount of discussion or compromise would satisfy their concerns. The ILC then took steps to counter the opposition by presenting an alternative policy narrative and securing strategic endorsements.

According to Baumgartner and Jones (1993), “how a policy is understood and discussed is its policy image” (p. 25). Opponents presented a policy image of Senate Bill 274 as a free pass for young adults to behave recklessly and shirk accountability. Proponents, on the other hand, presented an image of the bill as a policy that promotes health and safety by encouraging young adults to behave responsibly in the event of an emergency. Students were successful in large part because of their ability to assert the dominance of their policy image over competing policy images and the rejection of competing images by lawmakers. Baumgartner and Jones (1993) note that “creation and maintenance of policy monopoly is intimately linked with the creation and maintenance of a supporting policy image. In those cases where monopolies of control have been established, there tends to be a single understanding of the underlying policy question” (p. 26).

While some prosecuting attorneys passionately opposed the policy change, others supported it with equal strength. Students met with and secured the endorsements of the prosecuting attorneys from two of the most populous counties in the state, one of whom serves as a senior IPAC board member. As a result, IPAC did not issue a statement formally opposing the legislation, but sent a representative to express “serious concerns” about the bill at its first committee hearing in the Senate.

Students also sought and secured the endorsement of Indiana Attorney General Greg Zoeller, the state’s highest law enforcement official, who became a highly visible advocate for the policy change—speaking at the luncheon hosted by students and sending a deputy to testify in favor

of the bill at two committee hearings. This effectively neutralized concerns held by lawmakers with respect to undermining prosecutorial power.

## EMERGING CONSENSUS AND PASSAGE

Kingdon (1995) describes the phenomenon of the growing consensus in policymaking. In other words, as a policy change gains acceptance and begins to be advocated for by influential actors in government, a bandwagon effect takes place in which support for the policy change becomes widespread, assuming all serious points of opposition are resolved or neutralized. This was clearly the case with the Indiana Lifeline Law. The emerging consensus was first apparent at the hearing on the bill before the Senate Judiciary Committee on January 18, 2012. Before this point, it was not clear whether the bill would gain acceptance. Serious concerns were raised at the hearing by the testimony of a representative from IPAC. These concerns were refuted by Deputy Attorney David Miller on behalf of Zeller, as well as two members of the Senate committee. The bill was passed unanimously by the Senate Judiciary Committee by a vote of 10-0, which represented a major step forward and a sign of things to come. The bill was approved unanimously by two full votes of the Senate and was then taken up by the House of Representatives, which also approved the bill unanimously. It was signed into law by then-Governor Mitch Daniels on March 16, 2012. During a signing ceremony held on May 4, Daniels noted that the policy change was not intuitive, saying that it “needed to be explained, it needed to be argued for and advocated effectively,” and adding that the students satisfied this need impressively (2012).

## CONCLUSIONS

Few policy proposals are incorporated into legislative bills, and even fewer of those are passed into law. Of the 815 House and Senate bills introduced in the 2012 legislative session, 161 were passed into law, and 47 passed without a dissenting vote, representing less than 6% of all bills introduced (Indiana Senate Majority Attorney’s Office, 2012). Even if a bill has overwhelming support, it may fail to be made a law due to the complexities of the legislative process, which is intentionally designed to establish a high bar for passing new laws. The 2012 session of the Indiana



**Figure 5.** Hyper-partisan debate and protests over controversial “Right to Work” legislation, has nearly brought the Indiana General Assembly to a standstill in 2012, limiting the opportunity for consideration and committee hearings for bills such as the Indiana Lifeline Law.

General Assembly offered additional complications. In Indiana, legislative years alternate between long sessions and short sessions, during which only pressing matters are addressed, with 2012 being a short session. The additional week recess for the Super Bowl, which was hosted in Indianapolis, made 2012 one of the shortest sessions in history. Furthermore, the House of Representatives sat in stalemate for several weeks as Democratic members protested the controversial Right to Work legislation by denying quorum in committee meetings and floor votes. Students learned that a noncontroversial bill is often helpless to external circumstances that may jeopardize its passage, and that it requires dedication and persistence to overcome the challenges inherent in the legislative process.

Students have a significant opportunity to successfully advocate for policy change by leveraging the unique resources available to them, including geographic diversity and university-based networks.

*Disclosure: The authors served as members of Purdue University Student Government and were involved in the planning and execution of the Lifeline Law campaign.*

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